

Supreme Court (Mary Stroquin) to P. & S. Ry. Co.

In The Supreme Court of the State of Washington, for the County of Skamania  
Portland and Seattle Railway Company, a corporation, Petitioners      Order and Decree

v.

of Appropriation

and Compensation.

Mary Wil-ny-i-tit, now Mary Stroquin, Claimant

This cause coming on regularly to be heard before the court on the 14th day of March 1906, the petitioners appearing by James B. Kerr and Geo. D. Reid, its attorneys, and the claimant Mary Wil-ny-i-tit, now Mary Stroquin appearing as witness and by George T. Foye, United States District Attorney, by direction of the Attorney General of the United States.

And it appearing to the court upon satisfactory proof that all parties interested in the land, real estate and premises as the petitioners herein described have been duly served with the notice provided by law. And it further appearing to the satisfaction of the court by competent proof that the petitioners Portland and Seattle Railway Company do and at all times in its petition mentioned was a corporation duly organized and existing under and by virtue of the laws of the State of Washington, and among other things organized for the construction and operation, and having full power and authority to construct, maintain and operate railroads in the State of Washington and elsewhere, and among other places from the City of Spokane, in the State of Washington, to the City of Portland, in the State of Oregon. And it further appearing to the satisfaction of the court by competent proof that the contemplated use for which the land, real estate and premises sought to be appropriated by this proceeding is for the purpose of connecting theron a railroad, said railroad to form a part of a line of railroad which said petitioners are now building from Gearwood, Washington, down the north bank of the Columbia River to Portland, Oregon, and that such contemplated use is really a public use, and that the public interest requires the prosecution of such enterprise and that the land, real estate and premises sought to be appropriated are required and necessary for the purpose of such enterprise.

It is ordered, adjudged and decreed by the court that the contemplated use for which the land, real estate and premises sought to be appropriated by this proceeding, and hereinafter described, is really a public use and that the public interest requires the prosecution of such enterprise and that the land, real estate and premises sought to be appropriated are required and necessary for the purpose of such enterprise. Now at this time the said parties appearing in court and being ready for trial and both parties having waived a jury the trial was had before the court, and the respective parties having duly submitted their testimony and the court having considered the same and being duly advised, finds and makes the damages which shall result to said claimant by reason of the appropriation and use of the land, real estate and premises for any and all corporate purposes of said petitioners, Portland and Seattle Railway Company and having ascertained, determined and awarded the amount of the damages to be paid to said owner, Mary Wil-ny-i-tit now Mary Stroquin for the taking and apparently affecting said land, real estate and premises irrespective of any improvements proposed by said petitioners, Portland and Seattle Railway Company;

1. It is therefore ordered, adjudged and decreed by the court that in conformity with said finding of the court, the claimant Mary Wil-ny-i-tit, now Mary Stroquin, have and